



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 9, 1998

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR98-2649

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 119288.

The City of Houston received a request for all correspondence, internal memoranda, and notes concerning the denial of a contract award to Executive Transportation Services for bid number NC-8-0411-040-11615/IT008183. You indicate that you will release most of the responsive information. You claim, however, that some of the requested information is excepted from required public disclosure by section 552.107 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue, Exhibit 2.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3; *see* Open Records Decision No. 212 (1978) (even though the content of a communication might be confidential, the fact of a communication is ordinarily not excepted from disclosure). In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* We have examined the submitted information and find that most of it may be withheld under section 552.107. We have marked the information that may be withheld under section 552.107. The remaining information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref: ID# 119288

Enclosures: Marked documents

cc: Ms. Belinda A. Beek
Mills, Shirley, Eckel & Bassett
P.O. Box 1943
Galveston, Texas 77553-1943
(w/o enclosures)